

PATENT

JUN 24 2005

ATTORNEY DOCKET NO. 114596-26-000051BS

UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/666,110 Confirmation No.: 1446
Applicant: Korbin S. Van Dyke, et al.
Title: COMPUTER FOR EXECUTION OF RISC AND CISC INSTRUCTION
SETS
Filed: September 20, 2000
Art Unit: 2183
Examiner: Richard Ellis

Atty. Docket: 114596-26-000051BS
Customer No. 38492

RESPONSE TO NOTICE OF ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant responds to the Notice of Allowance of March 28, 2005 as follows.

Fig. 9C complies with 37 C.F.R. § 1.74. As Paragraph 2 of the Examiner's Comment itself notes, the "part" of the "formatted instruction" referred to in the specification bears a reference numeral. § 1.74 only requires reference numerals for "parts" referred to in the specification. The Examiner's Comments do not indicate that the specification ever refers to any "box containing labels 'OPCODE' through '32 BIT DISPLACEMENT.'" If the specification contains no such reference, there is no place in the specification to insert a reference numeral. No objection has been stated with sufficient specificity to allow a response.

I certify that this correspondence, along with any documents referred to therein, is being deposited with the United States Postal Service on June 21, 2005 as First Class Mail in an envelope with sufficient postage addressed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

A handwritten signature in black ink, appearing to read "Richard E. Ellis", is written over a solid horizontal line.

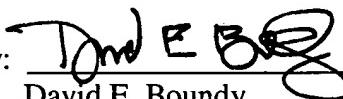
The Examiner's objection to the lack of a serial number in the declaration is groundless. Neither 37 C.F.R. § 1.63 nor 37 C.F.R. § 1.67(a) require that a declaration must "identify this application by Serial Number and filing date," as the Examiner's remarks suggest. Rather, § 1.63(b)(1) only requires that a declaration "identify the application to which it is directed." The declaration "identifies this application" as being "the attached specification," nearly verbatim the language suggested in the PTO's own forms. There is no requirement that a declaration signed before filing predict a serial number or filing date of an application to be filed in the future.

The objection based on "alterations" of the declaration is similarly groundless. First, no alteration is identified – without some specific identification of an issue, it is impossible for an applicant to respond. The only apparent candidate is a replacement signature of Mr. Campbell, that is, a correction that is "signed by the applicant on the same sheet of paper," as permitted by 37 C.F.R. § 1.52(c)(1). 37 C.F.R. § 1.57 is directed to "Incorporation by Reference" and has no apparent applicability to declarations.

It does not appear that Examiner Ellis read the rules cited in the Notice of Allowance before raising any objection. Applicant respectfully requests Examiner Ellis to stop making up new rules on the fly. This application and others pending before Examiner Ellis have been characterized by Examiner Ellis making up new rules to impede prosecution, refusing to follow clear written rules that apply to examiners, and acting beyond the authority delegated him by the Director. The Examiner's conduct is illegal and should stop.

Respectfully submitted,
WILLKIE FARR & GALLAGHER LLP

Dated: June 21, 2005

By: 

David E. Boundy
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CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that the attached

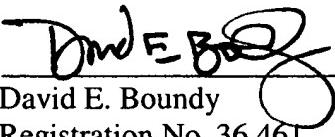
- Check for \$ 1421.00 for Issue Fee and soft copies
- Return postcard
- This Certificate of Mailing
- Form PTOL-85
- Response to Notice of Allowance

(along with any paper(s) referred to as being attached or enclosed) are being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,

WILLKIE FARR & GALLAGHER LLP

Dated: June 21, 2005

By: 
David E. Boundy
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